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Pro Se I (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

FILED

for the

Western District of PAErie Division

JUN - 8 2020

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIAAnthony Paul Dabrowski, Jr.

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Officer Joshua Allison,
City of Erie Police Department

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. 13

20-142

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☐ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Anthony Paul Dabrowski, Jr.</u>
Street Address	<u>347 East 7th Street Upstairs</u>
City and County	<u>Erie Erie County</u>
State and Zip Code	<u>Pennsylvania 16503</u>
Telephone Number	<u>(814) 737-7691</u>
E-mail Address	<u>TJ92285@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name Officer Joshua Allison
Job or Title (if known) Officer for City of Erie Police Department
Street Address 626 State Street
City and County Erie Erie County
State and Zip Code Pennsylvania 16501
Telephone Number (814) 870-1125
E-mail Address (if known) Badge No. 442

Defendant No. 2

Name City of Erie Police Department
Job or Title (if known) Police Agency ORT No. PA0250200
Street Address 626 State Street
City and County Erie Erie County
State and Zip Code Pennsylvania 16501
Telephone Number (814) 870-1125
E-mail Address (if known)

Defendant No. 3

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Defendant No. 4

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

42 U.S.C. Section 1983

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

III. Statement of Claim

I, Anthony Paul Dabrowski, Jr., claim that Officer Joshua Allison acted in a manner of excessive force while on duty for the City of Erie Police Department on July 8, 2018. I called to report citing my friend's vehicle that had been missing, but rather than investigate the vehicle in question, they interrogated me.

I was questioned with regard to why I was in the location. I was searched and my prescription medications were taken from me and smashed on the ground. I was then asked for my identification. When I reached into my pants pocket to retrieve my identification, one of the officers punched me in the face. Immediately, I began walking away while stating "I had called to report my friend's stolen vehicle." "If you all were doing your jobs then you would realize that the vehicle is stolen." "I will never call the police again for anything." I, Anthony Paul Dabrowski, Jr., did not say anything threatening to the officers nor acted in a threatening manner.

Another officer shined a light upon my back, I then was informed I was under arrest. I put my hands behind my back to comply with their demands. Although I did not understand the reasoning behind being detained. Then, the officer applying the handcuffs shouted to the other officers that I was resisting arrest. I did not resist arrest. Next thing I knew, I was pinned to the ground and attacked by six officers while a seventh ran up and began kicking me in the rib cage. When I asked to go to the hospital I was told "no". I was taken to the police station. I was not able to receive treatment until release. I felt an intense pain in my ribs and dealt with this pain in a holding cell for the remainder of the night. I went to UPMC Hamot ICU upon my release. I was told that I had an injury to my rib cage. After the visit I was told to follow-up with my family doctor. However I knew that there was something seriously wrong with my rib cage because I continually recall feeling the bones pop out of the side of my chest and therefore was forced to press my right arm into my rib cage and hold it there while I walked because if not then I would experience an unbelievable pain that brought me to my knees. I remember losing consciousness from the pain. I then went that Tuesday to St. Vincent's ICU for x-rays where they found that I had suffered a fractured rib as a result of the incident. I still was not satisfied with that diagnosis so I therefore went to UPMC Hamot with the newly discovered information about the fracture in my rib cage. They took multiple x-rays and discovered two fractures and one cracked rib. I have the documentation of all of the visits to the hospital.

There is a video documentation of this incident that was recorded by a surveillance camera. This footage will collaborate my claims that in fact the officers on the scene and the arresting officer, Officer Joshua Allison, acted under color of state law and caused both mental and physical pain and suffering through their use of excessive force. I am diagnosed with post traumatic stress disorder. I receive treatment at Safe Harbor Behavioral Health of UPMC. I am a patient at Advanced Pain Medicine and receive treatment for chronic pain.

IV. Relief

I, Anthony Paul Dabrowski, Jr., request for the court order of the defendant(s): Officer Joshua Allison and the City of Erie Police Department. Compensatory damages are valid due to my pain, suffering, and emotional distress resulting from an incident on July 8th, 2018 in which excessive force was used.

The defendant(s), Officer Joshua Allison, and the City of Erie Police Department violated my Civil Rights during my arrest on July 8th, 2018. This incident violated my First Amendment right when I was arrested for exercising my freedom of speech. I said, "I called to report a stolen vehicle. If you were doing your jobs you would realize the vehicle is stolen. I'll never call the police for anything again." My Fourth Amendment right was violated due to illegal search and seizure. My legally prescribed prescription medications were taken and crushed in the street without ever verifying whether or not they were my own. My Eighth Amendment right prohibits cruel and unusual punishment, which was also violated when I was forced to the ground after being accused of resisting arrest, beaten by the officers while I was pinned to the ground, and then being kicked in my rib cage repeatedly causing one cracked and two fractured ribs. Lastly, the Fourteenth Amendment right to a person's right to life, liberty, and property. The attack was one that seriously threatened my life. In addition, this attack was done by Erie Police officers that were acting under Color of State. This is civil action for the deprivation of my rights.

I, Anthony Paul Dabrowski, Jr., request the amount of \$600,000.00 from the defendant(s), Officer Joshua Allison, and the City of Erie Police Department. This is an imperative action in response to the incident on July 8th, 2018, which resulted in my pain, suffering, and emotional distress due to excessive force of the defendant(s). Whilst the incident occurred, four of my constitutional rights were violated, including the First, Fourth, Eighth, and Fourteenth Amendments, respectively.

b. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.
Or is incorporated under the laws of *(foreign nation)* _____, and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

See Attachment

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

See Attachment

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: June 8, 2020

Signature of Plaintiff

Printed Name of Plaintiff

Anthony Paul Dabrowski, Jr.
Anthony Paul Dabrowski, Jr.

City/County of Erie
 Commonwealth of Pennsylvania

The foregoing instrument was acknowledged before me
 this 8th day of June, 2020

by Anthony Paul Dabrowski, Jr.

Nadezhda Veretnov Notary Public
 My commission expires June 1, 2021

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Commonwealth of Pennsylvania - Notary Seal
 Nadezhda Veretnov, Notary Public
 Erie County
 My commission expires June 1, 2021
 Commission number 1313209
 Member, Pennsylvania Association of Notaries